

WordPerfect Document Compare Summary

Original document: H:\rule 301 current sections 1,3,6 dec09.wpd

Revised document: H:\301.wpd

Deletions are shown with the following attributes and color:

~~Strikeout~~, Blue RGB(0,0,255).

Deleted text is shown as full text.

Insertions are shown with the following attributes and color:

Double Underline, Redline, Red RGB(255,0,0).

The document was marked with 69 Deletions, 101 Insertions, 0 Moves.

~~S.J.C Rule 3:01-~~

~~Sections 1, 3, and 6~~

~~1. Section 1. Filing Requirements for Admission~~

~~1.1 December 8, 2009~~

Proposed amendments to Rule 3:01, Sections 1,3, and 6

1.1 *Admission by Written Examination.* Persons desiring admission to the bar of the Commonwealth by written examination shall apply by filing with the Clerk of the Supreme Judicial Court for the county of Suffolk:-

1.1.1 ~~==~~ Petition for Admission accompanied by the recommendation of a member of the bar of this Commonwealth or of any state, district or territory of the United States;-

1.1.2 ~~==~~ Applicant's Statement;-

1.1.3 ~~==~~ Authorization Form;-

1.1.4 ~~==~~ Law School Certificate;-

1.1.5 ~~==~~ Multistate Professional Responsibility Examination Score Report that sets forth a passing scaled score;-

1.1.6 ~~==~~ Two (2) Letters of Recommendation for Admission; and-

1.1.7 ~~==~~ Current Certificate(s) of Admission and Good Standing from the highest judicial court of each state, district, territory or foreign country to which the applicant is admitted, if applicable.

1.2 ~~==~~ *Admission by Motion.* Persons desiring admission to the bar of the Commonwealth by motion, pursuant to Rule 3:01, Section 6.1 ~~or 6.2~~, shall apply by filing with the Clerk of the Supreme Judicial Court for the county of Suffolk:

1.2.1 ~~==~~ Petition for Admission accompanied by the recommendation of a member of the bar of this Commonwealth or of any state, district or territory of the United States;-

1.2.2 ~~==~~ Applicant's Statement;-

1.2.3 ~~==~~ Multistate Professional Responsibility Examination Score Report;-

1.2.4 ~~==~~ National Conference of Bar Examiners Request for Preparation of a Character Report;-

1.2.5 ~~Letters~~ Three (3) letters of Recommendation for Admission: ~~(a) attorneys admitted in other states: From three members of the bar of the Commonwealth or of the state, district or territory of prior admission, or of the bar of the state, district or territory~~ of the United States where the applicant ~~last resided; or (b) attorneys admitted in foreign countries: From three members~~ is admitted or last practiced. At least one letter must be from a member of the bar of the foreign jurisdiction and from two members of the bar of the Commonwealth;

1.2.6 state, district or territory of the United States where the applicant is admitted;

1.2.6 Current Certificate(s) of Admission and Good Standing from the highest judicial court of each state, district, territory or foreign country to which the applicant is admitted;

1.2.7 Letter from ~~each state's, district's, territory's or foreign country's~~ the grievance or disciplinary entity of each state, district, territory or foreign country to which the applicant is admitted indicating that there are no charges pending against the applicant;-

1.2.8 Proof of active practice or teaching of law in a state, district or territory of the United States for five out of the past seven years immediately preceding the filing of petition for admission on motion.-

1.3 Referral to Board of Bar Examiners. - All petitions for admission with accompanying materials shall be referred to the Board of Bar Examiners for a report as to the character, acquirements and qualifications of the applicant.

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Section 3. Qualifications for Taking Bar Examination

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3.1 High School. Each applicant for admission by examination shall have been graduated from a public high school or its equivalent, or shall have received the equivalent education in the opinion of the Board.

3.2 College. -Each applicant shall have completed the work acceptable for a bachelor's degree in a college or university, or have received an equivalent education in the opinion of the Board.

3.3 Law School. Each applicant shall have graduated with a degree of bachelor of laws or juris doctor from a law school which, at the time of graduation, is approved by the American Bar Association or is authorized by statute of the Commonwealth to grant the degree of bachelor of laws or juris doctor.

3.4. Graduates of Foreign Law Schools. ~~Any applicant who received his/her legal education at a law school located outside of any state, district, or territory of the United States shall have pre-legal education equivalent, in the Board's opinion, to that set forth in subsections 3.1 and 3.2.~~ Graduates of law schools in foreign countries must have a college and legal education equivalent, in the Board's opinion, to that provided in that is, in the opinion of the Board, similar in nature and quality to that of graduates of law schools approved by the American Bar Association. Before permitting such an applicant to take the law examination, the Board in its discretion may, as a condition to such permission, require such applicant to take such further legal studies as the Board may designate at a law school approved by the American Bar Association.

Section 6. Admission on Motion

6.1. ~~Attorneys Admitted in Other States.~~ A person who has been admitted as an attorney of the highest judicial court of any state, district or territory of the United States may apply to the Supreme Judicial Court for admission on motion as an attorney in this Commonwealth. Prior failure to pass the Massachusetts bar examination creates a rebuttable presumption against admission on motion. The Board of Bar Examiners may, in its discretion, excuse the applicant from taking the regular law examination on the applicant's compliance with the following conditions:

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6.1.1 The applicant shall have been admitted in ~~the other~~ another state, district or territory, ~~of the United States~~ for at least five years prior to applying for admission in the Commonwealth, and shall have engaged in the active practice or teaching of law in a state, district or territory of the United States for five out of the past seven years immediately preceding the filing of the petition for admission on motion.

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6.1.2 The applicant shall have so engaged in the practice or teaching of law since the prior admission as to satisfy the Board of Bar Examiners of his or her good moral character and professional qualifications.

6.1.3 Omitted-

6.1.4 Graduates of law schools in a state, district or territory of the United States. The applicant shall have graduated from high school, or shall have received the equivalent education, in the opinion of the Board, completed work for a bachelor's degree at a college or university, or its equivalent, and graduated from a law school which at the time of graduation was approved by the American Bar Association or was authorized by a state statute to grant the degree of bachelor of laws or juris doctor.

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Graduates of Foreign Law Schools. Graduates of law schools in foreign countries must have a college and legal education that is, in the opinion of the Board, similar in nature and quality to that of graduates of law schools approved by the American Bar Association.

6.1.5 The applicant shall pass the Multistate Professional Responsibility Examination if he or she has not previously passed that examination in another jurisdiction.

~~6.2 Attorneys Admitted in Foreign Countries.~~ A person who has been admitted or enrolled as an attorney of the highest judicial court of a foreign country may apply to the Supreme Judicial Court to be admitted, without examination, as an attorney in this Commonwealth. The Board of Bar Examiners may, in its discretion, excuse the applicant from taking the regular law examination on compliance with the following conditions:-

~~6.2.1~~ The applicant's principal residence is in the Commonwealth of Massachusetts.-

~~6.2.2~~ The applicant shall have been admitted in the foreign country for at least five years prior to applying for admission in the Commonwealth, and shall have engaged in the active practice or teaching of law for five out of the past seven years immediately preceding the filing of the petition for admission on motion.-

~~6.2.3~~ The applicant shall have completed the equivalent of American high school; shall have completed work in college or university equal to that warranting a bachelor's degree in the United States; and shall have completed such legal education as, in the opinion of the Board of Bar Examiners, is equivalent to that provided in law schools approved by the American Bar Association.-

~~6.2.4~~ The applicant shall have so engaged in the practice or teaching of law since the prior admission as to satisfy the Board of Bar Examiners of his or her good moral character and professional qualifications.-

~~6.2.5~~ Omitted-

~~6.2.6~~ The applicant shall have passed the Multistate Professional Responsibility Examination.-

~~6.3~~

6.2 Omitted

6.3

6.3 *Notice and Publication for Admission under Section 6.* Before the Board of Bar Examiners reports to the Court on the character, acquirements, and qualifications of applicants for admission, the Board shall prepare a list of names of applicants who, if no objection is made, may be recommended to the Supreme Judicial Court for admission.

A copy of the list of names shall be sent to the Clerk of the Supreme Judicial Court for Suffolk County and the clerk of courts for each county who shall post the list in a public place for a period of seven days from a date fixed by the Board of Bar Examiners.

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A copy of the list of names shall be sent to the Board of Bar Overseers, to the Massachusetts Bar Association, to the Boston Bar Association and such other bar associations and newspapers in the Commonwealth as the Board of Bar Examiners may determine.

6.4 Report to the Court. Not sooner than ten days after the date fixed for posting by the Board of Bar Examiners, the Board may report to the Supreme Judicial Court the names of those applicants then found qualified for admission under § 6.

6.5 Time Limitation for Enrollment. Except as otherwise ordered by a Justice of the Supreme Judicial Court, a qualified applicant ~~maybe~~may be sworn and enrolled as an attorney within one year of the report to the Court. Failure to be so sworn and enrolled will result in dismissal of the application.-